

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JOHN MILLER,

Plaintiff – Appellant,

v.

UNITED STATES OF AMERICA,

Respondents – Appellees.

Case No. 3:17-cv-00121-MMD-WGC
Ninth Circuit Court of Appeals No. 19-15122

ORDER ON MANDATE

The above-entitled cause having been before the United States Court of Appeals for the Ninth Circuit, and the Court of Appeals having, on March 26, 2021, issued its judgment affirming in part, reversing in part, and remanding the judgment of the District Court (ECF No. 77), and on May 18, 2021, issued its mandate thereon (ECF No. 78), and the Court being fully advised in the premises, it is therefore ordered that the mandate be spread upon the records of this Court.


It is further ordered that the Court's order (ECF No. 64) is vacated only to the extent reversed by the Court of Appeals.

It is further ordered that the Court's judgment (ECF No. 65) is vacated.

It is further ordered that Plaintiff may file a Third Amended Complaint within 30 days that contains only the claims the Court of Appeals determined he may proceed on—the “third cause of action in the Second Amended Complaint” and “the two new claims in [Plaintiff's] proposed Third Amended Complaint[.]” (ECF No. 77 at 28.)

The Clerk of Court is directed to reopen this case.

DATED THIS 18th Day of May 2021.


MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE